Amendments to the Drawings:

Replacement drawings are submitted for Figures 11 and 13. In Fig. 11, element 154 has been renumbered as 152. In Fig. 13, element 148 has been renumbered as 146. The changes better correlate the numbering with the specification.

REMARKS

In view of the above amendments and following remarks, favorable reconsideration in this application is respectfully requested.

Claims 131-132, 134-135 and 137 were rejected under 35 USC 103 as unpatentable over *Jonovic* (U.S. Patent No. 4,684,040); claim 136 was rejected over *Jonovic* in view of *Fay* (U.S. Patent No. 4,212,609); and claims 133 and 138 were rejected over *Jonovic* and *Vogt* (U.S. Patent No. 3,490,391).

The Examiner contends that *Jonovic* teaches a dispenser for portioning material into desired portions. A rotary assembly 23 is provided comprising volumetric compartments 48. Dispenser 21 is provided adjacent the rotary assembly. A strap member 47 is provided between the dispenser and the rotary assembly, which is closely wrapped around a portion of an outside circumference of the rotary assembly. The strap member includes a slot 49 with a length which generally coincides with mouth 51 of the dispenser 21.

However, unlike present claim 1, *Jonovic* does not teach or suggest a device which applies pressure to the strap member 47. In particular, *Jonovic* does not teach pressure means comprising multiple radially movable lamellae and pressure cushions being arranged between the dispenser 21 and the strap member 47.

The Examiner indicates that *Vogt* teaches lamellae and side walls. *Vogt* discloses a feeder 10 having a housing 11, a stator 23 and a rotor 12 and recesses 30 formed within the outer periphery thereof. In each of the recesses 30 there is positioned a pocket forming member 31, which define pockets 52. Upon rotation, the pockets 52 come into alignment with an inlet 18 of

the feeder and then the passages 32 in the rotor come into communication with passage 34 in the stator. As such, a vacuum is drawn in the recess 30 and then into the pocket 52 through the material of the pocket forming member 31. As a result, the product disposed within the inlet area of the feeder is drawn down into the pocket 52.

At the inlet 18, the housing 11 of the feeder has secured thereto an upper product holder 46, which may be in the form of a hopper. This product holder acts as a mass feed member. Contrary to present claim 1, *Vogt* fails to disclose that the housing of the mass feed member comprises side walls which are provided with openings extending in radial direction. It is indicated in the Final Office Action that the pockets in *Vogt* comprise side walls (with reference to fig. 8). However, these pockets are formed in the housing of the moulding device. The passages responsible for the vacuum are also formed in the housing of the moulding device, and thus cannot be interpreted as lamellae and side walls in the housing of the mass feed member, as required by the claimed invention.

Vogt draws product disposed within the inlet area of the feeder down into the pocket, as a result of a vacuum created in the housing of the moulding device. *Vogt* does not teach the skilled person how to modify the strap member of *Jonovic* into a combination of cushions and one or more lamellae the housing of the mass feed member, as *Vogt* does not disclose any of these features.

In particular, though the Examiner indicates that *Vogt* teaches lamellae, the Examiner does not point to any element in *Vogt*. In addition, the Examiner completely fails to take note of the claimed pressure cushions. Indeed, *Vogt* does not teach the use of pressure cushions, and

neither *Vogt* nor *Jonovic* teach or suggest that a plate can be movably supported between the side walls, or that the plate flexibly bear on the drum, as claimed.

Thus, claim 1 differs from *Jonovic* and *Vogt* in that the pressure is created by multiple radially movable lamellae (154) and one or more pressure cushions (160), the pressure cushions being provided between an inner wall of the housing (140) and the lamellae (154), the lamellae being arranged between the pressure cushion (160) and the flexible plate (158) and between corresponding openings in side walls of the housing, the lamellae extending transversely with respect to the direction of rotation of the drum. Consequently, the cited art completely fails to teach the structure and placement of the lamellae and pressure cushions, as specifically set forth in the claimed invention. More importantly, *Jonovic* and *Vogt* do not provide a plate which is movably supported or flexibly bears on the drum, as claimed.

Accordingly, it is respectfully submitted that the claimed invention is patentable over *Jonovic*, whether taken alone or in combination with either *Fay* and/or *Vogt*. In the event there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (000023.0122). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 CFR 1.136(a) for an extension of

time for as many months as are required to render this submission timely. Any fee due is authorized above.

Dated: December 22, 2010

Respectfully submitted,

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